

REMARKS

This paper is being provided in response to the Office Action mailed January 11, 2006, for the above-referenced application. Applicant respectfully requests consideration of the following remarks.

The rejections of claims 21-41 under 35 USC 103(a) as being unpatentable over WO 98/23131 to Aarts (hereinafter "Aarts 131") in view of U.S. Patent No. 6,111,960 to Aarts (hereinafter "Aarts 960"), and in combination with other references including US 4,412,100 to Orban, US 5,892,833 to Maag and US 4,589,135 to Baker, are hereby traversed and reconsideration is respectfully requested. Applicant refers to, and incorporates herein, Applicant's submissions in prior responses that have addressed, in specific detail, the deficiencies of the Orban, Maag and Baker references with respect to Applicant's presently claimed invention. As noted below, Applicant submits that the citation of the Aarts 131 and the Aarts 930 reference themselves do not teach or fairly suggest Applicants' presently claimed invention and do not overcome the deficiencies of the previously-discussed Orban, Maag and Baker references.

Aarts 131 does not disclose equi-phase band splitting filtering. There is no disclosure that the band pass filters used have a substantially identical phase response for each frequency band. Standard band pass filters do not produce equi-phase responses. Applicant submits that to achieve an equi-phase response with a standard band pass filters it would be necessary to add additional phase shifts or delays but the section referenced by the Examiner, page 5, line 6 to 8, specifically indicates that no extra phase shifts or delays are used.

Further, as noted by the Examiner, Aarts 131 does not disclose applying non-linear distortion to each band, as is done in an electric guitar preamplifier.

Moreover, Aarts 960 does not disclose equi-phase band splitting filtering. The Examiner points to no passage in Aarts 960 as disclosing in equi-phase band splitting filtering.

Thus, nowhere does Aarts 131 or Aarts 960, taken alone or in the combination, is the use of equi-phase band splitting filtering disclosed.

Furthermore, neither Aarts 131 nor Aarts 960 are concerned with guitar or musical instrument preamplifiers. Aarts 131 discloses a device for converting a monaural (single channel) single to a stereo signal. Aarts 960 discloses a system of the type turned a harmonic exciter for adding harmonics to a signal. A specific application of this system is enhancing the perceived based response of small loud speakers. Thus the references which the Examiner has cited are for applications significantly different from musical instrument preamplifiers.


Applicant specifically directs attention to the rejection of claims 40 and 41 under 35 USC 103(a) as being unpatentable over Aarts 131 in view of Aarts 960 and US patent 4,412,100 to Orban and request reconsideration thereof for similar reasons as stated above in relation to Aarts 131 and Aarts 960. Also, as noted above, the Examiner is respectfully referred to the Applicant's prior submissions as to the deficiencies of the Orban reference in relation to the applicant's invention as claimed, in earlier responses.

Accordingly, Applicant respectfully submits that none of the cited prior art references, taken alone or in combination, teach or fairly suggest Applicant's presently claimed invention.

Based on the above, Applicant requests that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 617-248-4792 or the undersigned's supervisor, Sam Pasternack, Reg. No. 29,576, at 617-248-5143.

Respectfully submitted,
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